

REMARKS

1. The claims as amended fulfill the requirements of 35 U.S.C. §112.

Claims 40-42, 57, 58 and 60 stand rejected under 35 U.S.C. 112, second paragraph for being indefinite for reciting “wherein the gene encodes one or a plurality of cyclin kinase inhibitors.” Applicants have amended claim 40 to recite that the vector of claim 31 “further compris[es] one or a plurality of cyclin dependent kinase inhibitor genes operably linked to the promoter.” Applicants respectfully contend that this amendment overcomes the asserted grounds of rejection, and ask the Examiner to withdraw the rejection.

Claims 40-42 are rejected under 35 U.S.C. §112, first paragraph for failure to satisfy the written description requirement, characterized in the Action as being a “new matter” rejection. The Action states that the basis for this rejection is that the claim encompasses “one gene encod[ing] one or a plurality of cyclin dependent kinase inhibitors.” Applicants respectfully contend that their amendments, discussed above, clarify the scope and meaning of the claim, which is fully supported by the specification as filed. Accordingly, Applicants request that this ground of rejection be withdrawn.

Claims 57-60 and 63 are also rejected under 35 U.S.C. §112, first and second paragraphs. Although not acquiescing to the asserted grounds of rejection, Applicants have cancelled these claims in an effort to expedite allowance of the pending claims.

CONCLUSION

Applicants respectfully submit that all requirements of patentability are fully met, and allowance of the claims is respectfully submitted.

If the Examiner believes it to be beneficial, he is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,
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